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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,933	08/04/2000	Joakim Persson	040070-692	3920

42015 7590 03/30/2005
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EXAMINER

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,933

Applicant(s)

PERSSON ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/15/2005 (RCE filed).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/15/2005 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
3. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
4. Claims 1 and 6 have been amended.
5. Claims 1-12 are pending.

Response to Arguments

6. Applicant's arguments filed 02/20/2005 have been fully considered but they are not persuasive.

As per applicant's arguments with respect to claims 1 and 6, examiner refers Applicant to the following remarks:

- In response to applicant's arguments, the recitation "**wherein the ACO is a number from which a ciphering key for the communication device is derived, and which is never communicated to any other communication device**" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

However examiner for the time being is modifying the rejection taken into consideration the above limitation.

Examiner however strongly suggest Applicant to the following suggestions in order to expedite the prosecution time:

- a) The **inclusion of the above phrase into body** of the claim.
- b) Added detailed with respect to definition of the last two/three lines of the independent claims 1 and 6 respectively.

Claim Rejections - 35 USC § 103

7. **Claim 1-10** rejected under 35 U.S.C. 102(b) as being anticipated by Kruse (US005148007A) in view of Applicant Admittance Prior Art (AAPA).

As per claims 1 and 6, Krus discloses a method of generating an authentication ciphering offset (see "AP1," the equivalent of an ACO and see "V2," the at least one parameter derived from earlier-computed ACOs in column 3, lines 1-16 and see col.2, lines 11-32). Krus do not expressly disclose **"wherein the ACO is a number from which a ciphering key for the communication device is derived, and which is never communicated to any other communication device"**. However AAPA disclose such limitations as prior art (see pages 10-12 of the Applicant's response dated 02/20/2005). Therefore it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to modify Krus's method and system by inclusion of ACO in order to have a ciphering key parameter that does not communicated to other devices (see AAPA's ACO definition in the response).

As per claims 2 and 7, Kruse discloses the generation of X_k (see "V2," the equivalent of X_k col.3, lines 1-16); and applying a commutative binary operation between X_k and a previous value, $ACOk-1$ (See "exclusive-OR element XOR" "V2" and "A1" respectively in column 3, lines 1-16).

As per claims 3 and 8, Kruse discloses the generation of a k th value of ACO (see "a subsequent generation", s (ACOk), "exclusive-OR element XOR" (symbol), "A1" (ACOk-1), and "V2" (X_k) in Column 3, lines 1-16).

As per claims 4-5 and 9-10, Kruse discloses the sum as a bitwise modulo-2 sum performed by a bit-wise exclusive-OR (XOR) operation (see exclusive-OR element XOR" in column 2, lines 1 1-32 and in column 3, lines 1-16).

Claim Rejections - 35 USC § 103

8. **Claims 11-12** rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse (US005148007A) in view of Applicant Admittance Prior Art (AAPA) as applied to claims 1-10 above, and further in view of Kunito et al (U500657763381). As per the teachings applied above, Kruse discloses a communications device. Kruse fails to expressly disclose that this communications device includes either a real-time device or a non-real-time device. However, Kunito et al discloses these features (Kunito et al - abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kruse by including a real-time device or a non-real-time device as per the teachings of Kunito et al. One of ordinary skill in the art would have been motivated to do so in order to include various subscribers in a communication system in which mutual authentication takes place (Kruse - abstract).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

03/29/2005